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## AMENDMENT TRANSMITTAL FORM

In re application of: Ramesh Varadaraj, et al.

U. S. Serial No.: 10/675,169

Filed: September 30, 2003

For: COMPLEX OIL-IN-WATER-IN-OIL (O/W/O)  
EMULSION COMPOSITIONS FOR FUEL CELL  
REFORMER START-UP

) Before the Examiner

) Edward J. Cain

) Confirmation Number: 5906

) Group Art Unit: 1714

) Family Number: P2002J108 US2

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the  
Commissioner for Patents facsimile number 1-571-273-8300 on the date shown below.

Jacqueline Wright

Type or print name of person signing certification

Signature

Date

Transmittal herewith is a Renewed Petition Under Rule 1.78 (a)(3) and Substitute Amendment in the above-identified application.

Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made, if and to the extent, required. The fee for this extension of time is calculated to be \$ \_\_\_\_\_ to extend the time for filing this response until \_\_\_\_\_.

The fee for any changes in number of claims has been calculated as shown below.

CLAIMS AS AMENDED						
(1)	(2) Claims Remaining After Amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7)
Total Claims	*	Minus	**		x 50.00	
Indep. Claims	*	Minus	***		x 200.00	
MULTIPLE DEPENDENT CLAIM FEE					\$ 360.00	
FEE FOR CLAIM CHANGES						

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The total fee for this Renewed Petition Under Rule 1.78 (a)(3) and Substitute Amendment, including claim changes and any extension of time is calculated to be \$ 0.☒ Charge \$ 0 to DEPOSIT ACCOUNT NO. 05-1330.☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper, or credit any overpayment, to DEPOSIT ACCOUNT NO. 05-1330.

Aug. 14, 2006

DATE OF SIGNATURE

ATTORNEY OR AGENT OF RECORD

Post Office Address: [to which correspondence is to be sent]

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☒ Pursuant to 37 CFR 1.34(a)

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27810

PATENT TRADEMARK OFFICE

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Date: 8/14/06

Name: Jacqueline Wright

Signature: 

RV-0318

PATENT

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Ramesh VARADARAJ, et al.

) Before the Examiner  
) Edward J. Cain  
)

U. S. Serial No. 10/675,169

)

Filed: September 30, 2003

)

Confirmation Number: 5906

Title: **COMPLEX OIL-IN-WATER-IN-OIL  
(O/W/O) EMULSION COMPOSITIONS FOR  
FUEL CELL REFORMER START-UP**

)

Group Art Unit: 1714

Family Number: P2002J108 US2

Mail-Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RENEWED PETITION UNDER RULE 1.78 (a)(3) AND SUBSTITUTE  
AMENDMENT**

Sir:

Pursuant to 37 C.F.R. 1.78 (a)(3), the Applicants respectfully submit this renewed petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 120 and a substitute specification amendment in regard to the above-identified patent application in response to the Decision on Petition mailed by the Office of Petitions on August 2, 2006.

The Petition For Unintentionally Delayed Claim For Priority filed by the Applicants on June 2, 2006 was allegedly unacceptable because it contained the non-provisional references in the specification amendment to paragraph [0001] in reverse order. The substitute specification amendment attached hereto has corrected this issue and contains the references in the proper order and format.

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In addition, the Petition For Unintentionally Delayed Claim For Priority filed by the Applicants on June 2, 2006 was also allegedly unacceptable because the statement by the Applicants that the delay was unintentional varied from the language required by 37 CFR 1.78(a)(3). The statement submitted by the Applicants with regard to the unintentional delay contained in this renewed petition complies with the requirements of 37 CFR 1.78(a)(3).

Under 35 U.S.C. 120 and 37 C.F.R. 1.78, an alleged continuation-in-part application is permitted to claim the filing date of an earlier nonprovisional application if the alleged continuation-in-part application complies with the following formal requirements: 1) the first application and the alleged continuation-in-part application were filed with at least one common inventor; 2) the alleged continuation-in-part application was "filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application;" and 3) the alleged continuation-in-part application "contains or is amended to contain a specific reference to the earlier filed application."

The applicants have amended the above identified application to claim the benefit of and be designated as a continuation-in-part of currently pending U.S. Patent Application Serial No. 10/412,190 to Berlowitz et al. (hereinafter "Berlowitz") pursuant to 35 U.S.C. 120 and 37 CFR 1.78 (a)(1), (a)(2) and (a)(3). The instant application and the Berlowitz reference each name Paul J. Berlowitz as an inventor, thereby establishing the first requirement of common inventorship under 35 U.S.C. 120. In terms of the second requirement of 35 U.S.C. 120, the instant invention is copending with a U.S. application entitled to the benefit of the filing date of the Berlowitz reference. More particularly, the Berlowitz reference, currently abandoned, is a continuation of U.S. Patent Application Serial No. 09/312,728 filed May 14, 1999, also currently abandoned. However, continuation U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, currently pending, claims the benefit and is entitled to the priority of both the Berlowitz reference and U.S. Patent Application Serial No. 09/312,728. In terms of the third requirement, the present disclosure has been amended to contain a specific reference to the Berlowitz reference. More particularly, paragraph [0001] of the present disclosure has been amended in the substitute specification amendment attached

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hereto to be a continuation-in-part application and claim the benefit of U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, currently pending, which is a continuation of U.S. Patent Application Serial No. 09/791,996 filed February 23, 2001, currently abandoned, which is a continuation of U.S. Patent Application Serial No. 09/312,728 filed May 14., 1999, currently abandoned.

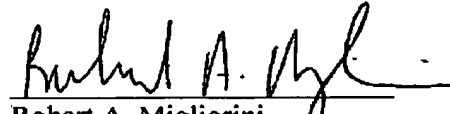
The Applicants also submit that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Lastly, the Applicants have already paid the required surcharge pursuant to 37 C.F.R. 1.17 (t) in the Petition filed on June 2, 2006.

Based upon satisfying all the requirements of 37 C.F.R. 1.78 (a)(3), the Applicants respectfully request the Office of Petitions to grant this renewed petition for an unintentionally delayed claim for priority. No additional fees are believed to be required with this renewed petition, however if any other fee is required, or otherwise necessary to cover any deficiency in fees already paid, authorization is hereby given to charge Deposit Account Number 05-1330.

If there should be any questions in connection with this petition, the undersigned may be contacted at the number below.

Date: 9/14/2006

Respectfully submitted,

  
Robert A. Migliorini  
Attorney for Applicant(s)  
Registration No. 50,262

☒ Pursuant to 37 CFR 1.34(a)

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**SUBSTITUTE SPECIFICATION AMENDMENT**

1. Please replace paragraph [0001] on page 1 of the specification with the following replacement paragraph.

[0001] This application claims the benefit of U.S. Provisional application 60/435,044 filed December 20, 2002, ~~and is a continuation-in-part of U.S. Patent Application Serial No. 09/312,728 filed May 14, 1999, currently abandoned, continuation U.S. Patent Application Serial No. 09/791,996 filed February 23, 2001, currently abandoned, and continuation U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, currently pending.~~ This application is also a continuation-in-part of U.S. Patent Application Serial No. 10/412,190 filed April 11, 2003, which is a continuation of U.S. Patent Application Serial No. 09/791,996 filed February 23, 2001, which is a continuation of U.S. Patent Application Serial No. 09/312,728 filed May 14, 1999.